

## DOCKET FILE COPY ORIGINAL

MM Docket No. 01-132  
RM-10149

01-32 MAR 14 2003

**Released: March 14, 2003**

2. In a separate proceeding in MM Docket No. 00-148, we issued a *Notice of Proposed Rule Making* proposing the allotment of Channel 233C3 to Quanah, Texas? The comment date in that proceeding was October 10, 2000. The Joint Parties filed a timely Counterproposal in that proceeding. Included in that Counterproposal was a proposal to allot Channel 297A to Llano, Texas. In this proceeding, Charles Crawford filed his Petition for Rule Making proposing the allotment of Channel 297A at Junction on May 18, 2001. As the Joint Parties observe, that proposal is mutually exclusive with the pending Channel 297A proposal at Llano, Texas in MM Docket No. 00-148. Given the foregoing mutual exclusivity, the Junction proposal would ordinarily have to be filed by the October 10, 2000, comment date in MM Docket No. 00-148 in order to receive consideration. Charles Crawford did not file his proposal by that date. Accordingly, we would ordinarily dismiss the Junction proposal as untimely. See Section 1.420(d) of the Commission's Rules;<sup>3</sup> *see also Pinewood, South Carolina*.<sup>4</sup> Nevertheless, our engineering staff has found a transmitter site for Crawford's proposed allotment of Channel 297A to Junction that would not be mutually exclusive with the Joint Parties' proposal for Channel 297A in Llano included in their Counterproposal in MM Docket No. 00-148. In these circumstances, the public interest

<sup>4</sup> *Pinewood, South Carolina*, 5 FCC Rcd 7609 (1990).

is better served by not requiring the refiling of this proposal merely to specify new coordinates? We also note that our action allotting Channel 297A at a different site does not prejudice any party in MM Docket No. 00-148 or MM Docket No. 01-132 and that the filing of Crawford's proposal was precipitated by the fact that we did not promptly enter the Joint Parties' Counterproposal into our data base. Therefore, we allot Crawford's proposal for Channel 297A at the site found by our engineering staff.<sup>6</sup>

3. We believe that the public interest would be served by the allotment of Channel 297A at Junction, Texas, since it will provide a third local aural transmission service and a first competing ~~local~~ FM service to that community. Channel 297A can be allotted to Junction, Texas, consistent with the requirements of Sections 73.207(b)(1) and 73.315(a) of the Commission's Rules at coordinates 30-27-27 NL and 99-46-07 WL, with a site restriction of 3.5 kilometers (2.2 miles) south of Junction. We have received Mexican concurrence in this allotment.

4. Accordingly, pursuant to the authority contained in Sections 4(i), 5(c)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Sections 0.61, 0.204(b) and 0.283 of the Commission's Rules, IT IS ORDERED that effective April 28, 2003, the FM Table of Allotments, Section 73.202(b) of the Commission's rules IS AMENDED for the community listed below, as follows:

<u>Community</u>	<u>Channel Number</u>
Junction, Texas	297A

5. A filing window for Channel 297A, Junction, will not be opened at this time. Instead, the issue of opening this allotment for auction will be addressed by the Commission in a subsequent order.

6. IT IS FURTHER ORDERED, That this proceeding IS TERMINATED.

7. For further information concerning this proceeding, contact R. Barthen Gorman, Media Bureau, (202) 418-2180. Questions related to the application filing process for Channel 297A at Junction, Texas, should be addressed to the Audio Division, Media Bureau, (202) 418-2700.

#### FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos  
Assistant Chief, Audio Division  
Media Bureau

<sup>5</sup> See *Winslow, Camp Verde, Mayer and Sun City West, Arizona*, 17 FCC Red 14688 (MB 2002).

<sup>6</sup> See *Star Development Group, Inc.*, 17 FCC Red 13127 (2002) (Commission will waive procedural rules to avoid harm arising from database error).